



# House of Representatives

General Assembly

**File No. 483**

*January Session, 2003*

Substitute House Bill No. 6369

*House of Representatives, April 22, 2003*

The Committee on Government Administration and Elections reported through REP. O'ROURKE of the 32nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING PUBLIC RECORDS PREPARED BY A PUBLIC AGENCY ATTORNEY WHO SERVES IN AN EXECUTIVE CAPACITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2003*) For the purposes of the  
2 Freedom of Information Act, as defined in section 1-200 of the general  
3 statutes, any document prepared by an attorney for a public agency, as  
4 defined in section 1-200 of the general statutes, for which the attorney  
5 also serves as an executive shall be presumed to have been prepared in  
6 such employee's capacity as an executive of the agency and shall be  
7 presumed not to be (1) exempt from disclosure under subdivision (10)  
8 of subsection (b) of section 1-210 of the general statutes, or (2) a  
9 confidential communication, as defined in section 52-146r of the  
10 general statutes.

This act shall take effect as follows:

Section 1	<i>October 1, 2003</i>
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**GAE**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Freedom of Inf. Com.	GF	See Below	See Below

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill may increase the number of hearings held by the Freedom of Information Commission. The agency, as currently constituted, can handle any additional workload that may be created by the bill. The impact of the Early Retirement Incentive Program on the agency is unknown at this time but it is not expected to significantly affect agency operations. It should be noted, however, that the Governor's proposed budget recommends: (1) a significant reduction in agency staff, and (2) merging the agency into a newly created agency called the Commission on Fair and Open Government (CFOG). If this occurs, the future fiscal impact of the bill upon the CFOG is indeterminate.

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**OLR Bill Analysis**

sHB 6369

***AN ACT CONCERNING PUBLIC RECORDS PREPARED BY A  
PUBLIC AGENCY ATTORNEY WHO SERVES IN AN EXECUTIVE  
CAPACITY***

**SUMMARY:**

This bill establishes a presumption that a document prepared by an attorney who serves as a public agency executive is (1) prepared in his executive capacity, (2) not exempt from disclosure under the Freedom of Information Act, and (3) not protected from disclosure under the attorney-client privilege between government attorneys and public officials or public agency employees.

EFFECTIVE DATE: October 1, 2003

**COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14      Nay 2